IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 354 OF 2004

M/s. Radhan Polypack Pvt. Ltd.
Through its Director
Shri Nitin Madhukar Pradhan .. Appellant

Vs.

Maharashtra State Electricity Board
and ors. .. Respondents

Mr. A.V. Anturkar for appellant.
Ms. A.R.S. Baxi for respondents.

CORAM: B.H. MARLAPALLE, J.

Date : October 07, 2005.

P.C.:

1. Heard Mr. Anturkar, the learned counsel for the appellant-plaintiff and Ms. Baxi, the learned counsel for the respondents-Board.

2. The plaintiff filed Special Civil Suit No.121 of 2004 challenging the electricity bill for an amount of Rs.5,40,340/- dated 31/12/2002 for the period from 4/8/1995 to October, 2002. The plaintiff is an LT Consumer with Consumer No.183091326954. The plaintiff protested by his letter dated 12/1/2003 pointing out that the bill charged had no basis. It appears that

the board officers threatened to disconnect the electricity supply and under this pretext, as per the plaintiff, he was forced to pay an amount of Rs.10,000/- under protest. He received another bill dated 12/9/2003 for Rs.3,28,251/- for the very same period and thereafter he received another bill for Rs.3,58,803/- for the period from 29/11/2003 to 7/1/2004. He was called upon to pay the bill within seven days, failing which the power supply would be disconnected.

3. In the suit he had filed an application for temporary injunction at Exh.5 and the same has been rejected by the impugned order dated 26/2/2004 passed by the learned 5th Joint Civil Judge, Sr. Division, Pune. The trial court noted that the plaintiff was aware of MSEB having been installed new meter on 4/8/1995 which had a multiplying factor-2 and he was charged the electricity bill as per MF-1 instead of MF-2 recoveries. The trial court was of the view that prima facie there was a case made out of clerical mistake and, therefore, it could not be held at the interim stage that the bill was without any basis or it was a faulty bill. Therefore, conditional order

came to be passed so as to deposit an amount of Rs.3,58,803.94 paise under protest within one month so as to continue with the electricity.

4. In view of the ad-interim order granted by this court directing status quo to be maintained until further orders, on 23/3/2004 the plaintiff did not deposit the amount and the electricity supply has not been disconnected by the board.

5. Having regards to the reasonings set out by the learned Judge of the trial court and to the provisions of Section 56 of the Electricity Act 2003, the order passed by the trial court does not call for interference but at the same time the plaintiff needs to be given some more time to deposit the amount in instalments and it would be appropriate that the deposit is made with the Registry of the trial court.

6. Hence, the appeal is disposed with a direction that the plaintiff shall deposit the amount directed to be deposited by the trial court with the Registry of the said court in four monthly equal instalments commencing from this month, failing which the

respondent-board will be at liberty to proceed further as per the rules. The trial of the suit is expedited. It is clarified that the order of status quo will continue subject to remittance of the four equal instalments.

(B.H. Marlapalle,J.)